

First Extraordinary Session, 2005

SENATE CONCURRENT RESOLUTION NO. 3

BY SENATOR JONES

GOVERNOR. Suspends laws regarding legal deadlines, including prescription and preemption, to mirror the suspensions in KBB 2005-32 and its extensions and for the same periods.

A CONCURRENT RESOLUTION

To suspend provisions in the Louisiana Civil Code, the Louisiana Code of Civil Procedure, Chapter 10 of Title 23, Part XXI-A and Part XXIII of Chapter 5 of Title 40, Title 9, and Title 13, all of the Louisiana Revised Statutes of 1950, and any other provision of law which establishes deadlines in legal proceedings, including liberative prescriptive and preemptive periods in all courts, administrative agencies, and boards for a specified period not to exceed sixty days after final adjournment of the 2006 Regular Session of the Legislature.

WHEREAS, Hurricane Katrina and Hurricane Rita have devastated significant portions of the state rendering court houses and other offices necessary to the access to and administration of justice inoperable; and

WHEREAS, Governor Blanco has exercised her powers under the Louisiana Homeland Security and Emergency Assistance and Disaster Act by declaring Louisiana to be in a state of disaster emergency as a result of these hurricanes and suspending certain laws and regulations; and

WHEREAS, the Louisiana State Bar Association, the Louisiana Trial Lawyers Association, and the Louisiana Association of Defense Counsel have all agreed that equal access to justice under the law is vital to our citizens and their government.

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
2 suspend the provisions of the Louisiana Civil Code, the Louisiana Code of Civil Procedure,
3 Chapter 10 of Title 23, Part XXI-A and Part XXIII of Chapter 5 of Title 40, Title 9, and Title
4 13, all of the Louisiana Revised Statutes of 1950, and any other provision of law which
5 establishes, and to the degree it establishes, deadlines in legal proceedings, including
6 liberative prescriptive and preemptive periods in all courts, administrative agencies, and
7 boards for a period of time identical to and limited to the period of emergency suspension
8 established by the governor under her emergency powers beginning with Executive Order
9 No. KBB 2005-32 and all subsequent executive orders that extend the suspensions provided
10 therein which period of suspension shall not exceed sixty days after final adjournment of the
11 2006 Regular Session of the Legislature.

12 BE IT FURTHER RESOLVED that this suspension shall become effective upon
13 adoption of this Resolution and shall remain in effect as provided in this Resolution, except
14 that the suspensions established in this Resolution shall be shortened or eliminated upon an
15 order issued by the Louisiana Supreme Court.

16 BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted
17 to the administrator of the Louisiana Supreme Court.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Diane M. Burkhart.

DIGEST

Suspends laws regarding legal deadlines, including prescription and preemption, to mirror the suspensions in KBB 2005-32 and for the same periods which period of suspension shall not exceed 60 days after final adjournment of the 2006 Regular Session. Provides, however, that such suspensions shall be shortened or eliminated upon an order of the La. Supreme Court.